

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/83) 3M



ROLL NUMBER

DESCRIPTION

2162

2001 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2162

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2162

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date January 16, 2001

Tape Number	Side A	Side B	Meter #
2		X	46.8 to end
3	X		0 to 17
Jan 17/ 01 3	X		0.8 to 3
April 03/01 1	X		35.1 to 40.3
Committee Clerk Signature <i>Donna C. Perez</i>			

Minutes:

The meeting was called to order. All committee members present. Hearing was opened on SB 2162 relating to the practice of respiratory care; and to provide a penalty.

GLENN THOM, President, ND Society of Respiratory care. Written testimony attached. The purpose of this bill is to provide clarity and remove outdated language. Submitted proposed amendment.

JAMES FLEMING, Asst. Attorney Gral. ND Board of Respiratory Care. There are no changes in practice only in the name. Respiratory care practitioner is the same as respiratory care therapist. Discussion held regarding changes in fees. Meeting adjourned.

January 17/01. Tape 3-A-0.8 to 3. Committee reconvened. All members present. Discussion held.

SENATOR TOLLEFSON: Motion to adopt amendment. SENATOR ESPEGARD: Second.

Roll call vote: 7 yes; 0 no. Motion carried.

SENATOR KLEIN: Motion: do pass as amended. SENATOR D. MATHERN: Second

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Senate Industry, Business and Labor Committee

Bill/Resolution Number SB 2162

Hearing Date Jan 16/01

Roll call vote: 7 yes; 0 no. Motion carried. Carrier SENATOR TOLLEFSON.

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Senate Industry, Business and Labor Committee

Bill/Resolution Number SB 2162

Hearing Date Jan 16/01

April 03/01, Tape 1-A-35.1 to 40.3

Committee reconvened. All members present. Amendments discussed.

**Rep. Dale Severson**, District 23: Bill died because the penalty clause was considered as giving too much authority to the board. When the section was removed, bill passed.

**Senator Klein**: Motion: do pass. **Senator Mathern**: Second.

Roll call vote: 7 yes; 0 no. Motion carried. Floor assignment: **Senator Tollefson**.

Date: January 17, 2001  
Roll Call Vote #:

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2162**

Senate Industry, Business and Labor

Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Adopt amendment

Motion Made By Tollefson Seconded By Espegard

Senators	Yes	No	Senators	Yes	No
Senator Mutch - Chairman	✓		Senator Every	✓	
Senator Klein - Vice Chairman	✓		Senator Mathern	✓	
Senator Espegard	✓				
Senator Krebsbach	✓				
Senator Tollefson	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

change fees

Date: January 17/01  
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2162

Senate Industry, Business and Labor

Committee

- ☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken

Do Pass as amended

Motion Made By

Sen Klein

Seconded  
By

Sen Del Mathern

Senators	Yes	No	Senators	Yes	No
Senator Mutch - Chairman	✓		Senator Every	✓	
Senator Klein - Vice Chairman	✓		Senator Mathern	✓	
Senator Espegard	✓				
Senator Krebsbach	✓				
Senator Tollefson	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen Tollefson

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2162: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2162 was placed on the Sixth order on the calendar.

Page 3, line 22, remove the overstrike over "~~not in excess of~~", after "~~fifty~~" insert "one hundred", and remove the overstrike over "~~dollars~~"

Page 3, line 29, remove the overstrike over "~~not in excess of~~", after "~~thirty-five~~" insert "seventy", and remove the overstrike over "~~dollars~~"

Page 4, line 6, remove the overstrike over "~~not in excess of~~", after "~~thirty-five~~" insert "seventy", and remove the overstrike over "~~dollars~~"

Page 4, line 8, after "fee" insert "not in excess of twenty-five dollars"

Renumber accordingly



Date: 4/04/01  
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2162

Senate Industry, Business and Labor

Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do concur with House amendments

Motion Made By Sen Klein Seconded By Sen Mathern

Senators	Yes	No	Senators	Yes	No
Senator Mutch - Chairman	/		Senator Every	/	
Senator Klein - Vice Chairman	/		Senator Mathern	/	
Senator Espgaard	/				
Senator Krebsbach	/				
Senator Tollefson	/				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen Tollefson

If the vote is on an amendment, briefly indicate intent:

2001 HOUSE HUMAN SERVICES

SB 2162

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2162

House Human Services Committee

☐ Conference Committee

Hearing Date March 5, 2001

Tape Number	Side A	Side B	Meter #
2	x		4038 to end
3	x		1 to 101
Committee Clerk Signature <i>Corinne Easton</i>			

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig

Chairman Price: I will open the hearing on SB 2162 and the clerk will read the title.

Glenn Thom - President ND Society for Respiratory Care: (See written testimony).

Rep. Porter: On page 3, section 3, the fees you are charging are being doubled. The board shall establish a fee not in excess of \$50, you are going to \$100?

Thom: It does not establish the fees, just the limit.

Rep. Porter: What's currently being charged?

Thom: \$50 for registered and \$35 for certified. This sets a maximum of double the current fees.

Rep. Porter: So you are at the maximum now and you are looking to double the maximum?

Thom: Yes, right now the wording is \$50 and that's where we have been since 16 years ago.

Page 2  
House Human Services Committee  
Bill/Resolution Number SB 2162  
Hearing Date March 5, 2001

Rep. Porter: How many respiratory therapists are practicing in ND?

Thom: Right at 300.

Rep. Porter: Both the certified and the licensed?

Thom: Right.

Rep. Porter: On page two, starting on line 3, it talks about respiratory care is implemented by an order from a licensed physician. According to the act, a nurse practitioner cannot order a breathing treatment.

Thom: An LPN, a registered nurse can, anyone whose scope of practice includes respiratory care can initiate the services.

Rep. Porter: I am not asking who can do it? I am asking who can order it? What this says is only a licensed physician can order it.

Thom: Yes.

Rep. Porter: We have nurse practitioners ordering treatments all over the state and it looks to me that is precluded in this practices act.

Thom: The physicians assistants and licensed nurse practitioners are what is called Dependent Allied Health Care Professionals and their services are rendered under the auspices of the Physician under who they serve. So in essence still the same.

Rep. Porter: That may be the case of a physician assistant, but a nurse practitioner is not under the auspices of a physician, they could open up an office in Downtown Bismarck tomorrow morning if they wanted to.

Thom: So you are saying they are independent. That may require a change. (Asks for assistance from Jim Fleming).

Rep. Porter: The same thing happens on page 5, line 25. It talks about in other settings where respiratory care is provided in accordance with a prescription of a license physician.

Jim Fleming - Attorney Generals Office: This act has not been amended for a long time. It is possible that the last time this act was amended it does not reflect what is actually the case, that nurses assistance can prescribe medications. We may need to do some amendments if this is no longer accurate.

Thom: According to law a Nurse Practitioner has to have a joint agreement with a physician to prescribe any kinds of medication or therapy. This should still be consistent with that.

Dave Peske - ND Medical Association: In reviewing this, we are determining that the crux is if the respiratory gases used must be a medication that is prescribed then that is the tie in. The Nurse Practitioner cannot prescribe a medication unless it is under a collaborative agreement with a physician. If that were an order, an order is interpreted as a prescription by.... In other cases it may not be. I defer to the professional to tell us if all gasses used by respiratory therapists are prescribed medications or if there are other things given by that route that are not prescription.

Chairman Price: Any other questions?

Rep. Weisz: On page five, line 7-11 where you are going to collect all the costs, is that current language now on all the other ones.

Fleming: Boards who have revised their practice act more recently are using similar language, they realize that sometimes in disciplinary action the cost is a real issue. That there are times when you want to settle a case, but a holdup from settling is the fact that the board is going to be looking at his fee. For the cost of the action they want the professional to be responsible for that.

This is not something all boards have, but it is becoming more common. As well as the injunction on page 7.

Rep. Devlin: On that injunctive language on page 7, is that without proof of actual damages sustained by any person, is that normal language?

Fleming: It is common language for the boards who use it, the reason is - let's say for example there is an ad in the paper saying this clinic will soon open and deliver respiratory care, do you want to wait until someone is actually harmed at that place by delivery by an unqualified person or do you want to be able to make a preemptive strike? And get an injunction before they actually hurt somebody? Generally to get in court, you need to have somebody harmed, the idea here is not to wait until somebody is harmed, let's stop it ahead of time. That is the language you find in some sections sprinkled throughout Title 43 on the injunction language.

Chairman Price: Anyone else here in support of SB 2162?

Fleming: I am here asking for a Do Pass on this legislation. Some of the other points not raised yet are technical changes. When a board looks at its practice act and it needs to make some changes, my advice is to make other helpful changes at the same time. While the board was looking at changing its name from a practitioner to a therapist, the board asked for you to authorize specifically the late fees for renewals on page 4. The general rule is a board may only charge a fee as specified by statute. If a practitioner doesn't pay their fee on time, the board incurs an expense to contact the licensee and say get your fee in, until you do, you are not legal to practice. There might be a series of letters that get progressively sharper in tone. The board incurs an expense for that, so they would like specific authority to access that late fee. Also there is some clarification on page 4, line 17-18 as well as line 28. They are talking about having been found by the board to be grossly negligent. On line 28, it is limited to convictions, some times

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House Human Services Committee

Bill/Resolution Number SB 2162

Hearing Date March 5, 2001

you have guilty pleas or whatever the board thinks those pleas should be factored in. The fact that they might get a deferred sentence shouldn't affect the fact that they have been convicted on an offense. In addition to these points, I have no additional testimony prepared, but I can answer any questions.

Chairman Price: Any further questions? Any one else in favor? Any opposition. If not, I will close the hearing on SB 2162.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2162 A

House Human Services Committee

☐ Conference Committee

Hearing Date March 13, 2001

Tape Number	Side A	Side B	Meter #
Tape 3	X		1010 to 2445
Committee Clerk Signature <i>Corinne Easton</i>			

Minutes:

**COMMITTEE WORK:**

CHAIRMAN PRICE: Is there any reason we can't act on Respiratory Care, SB 2162?

VICE CHAIRMAN DEVLIN: I understood that it was a language cleanup. That this is all it was.

REP. WEISZ: There is one little part in page 5, section 3, subsection 6. A little more than a cleanup I guess.

CHAIRMAN PRICE: An also page 7.

REP. WEISZ: Right. Page 5 on section 3, it isn't clear. It just says "the board may impose a fee to reimburse" or whatever. It doesn't say if that, if indeed, it got appealed and the board lost. Is that person still liable for all of the fees even if the board ..... The disciplinary action could be overturned in court and you're still liable for all of the fees. It just seems you can go after someone at will even if it turns out the board wasn't legitimate in what it tried to do.



REP. PORTER: I think it is a move in the right direction. I don't know if that verbage is what we want. If the physician, the podiatrist, or the surgeon won the appeal, then they wouldn't be responsible for the cost of their own prosecution. If they lost, then they would be.

CHAIRMAN PRICE: If they go to court on an appeal and win, is that part of the judgement that they would go for those costs they incurred the first time around on the disciplinary action?

REP. PORTER: I know that the due process is the investigating committee that they have set up, and from there it is either district court or administrative law judge, and then it is to district court and then to the supreme court. They can take any disciplinary hearing all the way to the North Dakota Supreme Court. Once they leave the administrative hearing process, then they jump into district court.

CHAIRMAN PRICE: Rep. Weisz, do you think it would be part of the appeal to reclaim those costs?

REP. WEISZ: I would assume you would then try to get them back. I would probably try to sue the board to return whatever costs I may have accrued.

REP. PORTER: The Board of Respiratory Therapists has taken their language from already existing language that is in statute. If that is the case where we think we need to change it for this one board, then I also think that we need to amend this bill further to affect every board in the state so that all the language is the same in all of the boards.

CHAIRMAN PRICE: I will have Annette draw up language. (Further committee discussion.)

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2162 A

House Human Services Committee

☐ Conference Committee

Hearing Date March 14, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X		0 to 2600
Committee Clerk Signature <i>Connie Easton</i>			

Minutes:

**COMMITTEE WORK:**

CHAIRMAN PRICE: We have Jim Fleming here from the Attorney General's Office to take a look at SB 2162. You have the proposed amendments on your desk. This is in response to questions raised by Rep. Weisz and others - on page 5 and on page 7.

JIM FLEMING: General Counsel, State Board of Respiratory Care. There were questions on page 5 involving the reimbursement of costs from a disciplinary action, and on page 7 involving the civil remedy of an injunction without proof of damages. Yesterday the concern I heard was that the language proposed in the bill would allow a board to impose a fee if they imposed discipline, even if that discipline is later reversed by the district court. In talking with other attorneys, we all agree that you cannot say that the board's action results in disciplinary action on line 9 if a court later reverses you, because then no action has been imposed. So we all interpret that language as saying if you are reversed on appeal, you don't get to charge them that fee, it

goes away along with whatever discipline the board attempted to impose. I'm not sure this is what the committee intended to change. When I look at them, to me, they say about the same thing.

CHAIRMAN PRICE: This is the language that is in the Medical Examiners, and we just had her pull that out to see what was different.

JIM FLEMING: I think this language is tighter and clearer than the Board of Medical Examiner's language, but they accomplish the same thing. The way I look at it, as an attorney who represents 10 of these boards, the more we can get each practice act to resemble each other, the more they will start to act the same - the better collective knowledge they will generate. I think that is positive for boards to have very similar practice acts.

REP. WEISZ: Based on your amendments which does not reverse on appeal, appeal would mean any appeal that was made to the board. If you appeal the action of the board, it felt that they overturned themselves?

JIM FLEMING: You wouldn't technically call that an appeal. You would call that a reconsideration.

REP. WEISZ: The concern is if the court overrules the board, there wouldn't be disciplinary action - I don't think that is clear. The boards action still resulted in disciplinary action. The court may have overturned whatever penalty the board had prescribed, but they still given the disciplinary action in this agree. I would agree that this amendment would take care of that problem.

JIM FLEMING: The laws aren't just used by lawyers. If this committee feels that the statute of language is better with that in it, I will tell you that next session if I do these again for another

board, I'm going to use the amended language to make it very clear this is what we're talking about.

REP. CLEARY: I have a hard time with this last sentence "when applicable, such person's license may be suspended until costs are paid to the board". It sounds like the days when you threw people in prison until they could pay their debts. How do you pay it if you can't work?

JIM FLEMING: As a board attorney, you can't suspend them until the costs are paid because they are a license holder. If you take away their license, you take away their livelihood and you'll never get paid. I wouldn't like that language either.

VICE CHAIRMAN DEVLIN: "Without proof of actual damages" - I don't like that. Can you explain why its in there?

JIM FLEMING: There are numerous references in Title 43 to not require boards to show damages. The reason is that people who want to get to court to sue somebody can't do it unless they show they have been harmed somehow.

REP. NIEMEIER: So the injunction could be based on just lack of licensure?

JIM FLEMING: That is exactly right.

CHAIRMAN PRICE: Do we have to have "without proof" in the rest of that sentence?

JIM FLEMING: Without that language, you're essentially restating the general powers to seek an injunction. You could just as soon take out all three lines.

REP. WEISZ: An injunction of any kind can only happen if there is damage, and what type of damage in general?

JIM FLEMING: The elements to prove a preliminary or final injunction, you have to show damage from the persons activity that cannot be remedied after the fact through money damages.

CHAIRMAN PRICE: Committee, what do you want to do on page 5, subsection 6?

Page 4  
House Human Services Committee  
Bill/Resolution Number SB 2162  
Hearing Date March 14, 2001

REP. CLEARY: I move Mr. Fleming's amendment.

REP. NIEMEIER: Second.

CHAIRMAN PRICE: Discussion? All those in favor signify by saying Aye (13 Yes, 0 No, 1 Absent).

REP. CLEARY: I move a Do Pass as amended.

REP. METCALF: Second.

CHAIRMAN PRICE: Discussion?

REP. WEISZ: I will oppose this bill.

REP. CLEARY: They have to be in violation of this chapter. I think this is a good bill and we should pass it. I don't see a bogey man in there.

REP. NIEMEIER: I don't like the idea of waiting for some damage to occur before action is taken. I would rather avoid damage up front.

VICE CHAIRMAN PRICE: I get a little nervous about some of the authority we're giving some of the boards in the state.

CHAIRMAN PRICE: Any one else? (Further discussion.) The clerk will take the roll on a **DO PASS as amended.**

**9 YES 4 NO 1 ABSENT CARRIED BY REP. METCALF**

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2162 B

House Human Services Committee

☐ Conference Committee

Hearing Date March 26, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X		3230 to 3970
Committee Clerk Signature <i>Corinne Easton</i>			

Minutes:

**COMMITTEE WORK:**

CHAIRMAN PRICE: Pull out SB 2162. This is the Respiratory Care. The bill died on the floor. We do have to vote to reconsider before we do anything.

REP. WEISZ: I move we reconsider.

REP. WEILER: Second.

CHAIRMAN PRICE: All those in favor signify by saying Aye (12 Yes, 0 No, 2 Absent).

REP. WEISZ: Moved amendments to delete lines 10-17.

REP. TIEMAN: Second.

CHAIRMAN PRICE: We have a re-amended bill in front of us (12 Yes, 0 No, 2 Absent). What are your wishes?

REP. METCALF: I move a Do Pass as amended.

REP. WEISZ: Second.

Page 2

House Human Services Committee

Bill/Resolution Number SB 2162

Hearing Date March 26, 2001

CHAIRMAN PRICE: Further discussion? The clerk will call the roll on a **DO PASS** as amended.

**12 YES   0 NO   2 ABSENT   CARRIED BY REP. METCALF**

PROPOSED AMENDMENTS TO SB 2162

Page 5, line 7, after "6." Insert

"In any order or decision issued by the board in resolution of a disciplinary proceeding in which disciplinary action is imposed against any person subject to regulation under this chapter, the board may direct such person to pay the board a sum not to exceed the reasonable and actual costs, including attorney's fees, incurred by the board. When applicable, such person's license may be suspended until the costs are paid to the board.

7."

Page 5, line 12, replace "7" with "8"

Page 5, line 18, replace "8" with "9"

Renumber accordingly



Prepared by  
James C. Fleming  
Assistant Attorney General  
General Counsel, State Board of  
Respiratory Care

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL 2162

Page 5, line 9, after "action" insert "which is not reversed on appeal"

Renumber accordingly

18267.0201  
Title.0300

Adopted by the Human Services Committee  
March 14, 2001

VR  
3/14/01

HOUSE AMENDMENTS TO SB 2162

HOUSE HS

3-16-01

Page 5, line 9, after the underscored comma insert "which are not reversed on appeal."

Renumber accordingly

Date: 3-14-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2162

House Human Services Committee

☐ Subcommittee on \_\_\_\_\_

or

☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Moved Amendment

Motion Made By Rep. Cleary Seconded By Rep. Niemeier

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman	✓		Audrey Cleary	✓	
William Devlin - V. Chairman	✓		Ralph Metcalf	✓	
Mark Dosch			Carol Niemeier	✓	
Pat Galvin	✓		Sally Sandvig	✓	
Frank Klein	✓				
Chet Pollert	✓				
Todd Porter	✓				
Wayne Tieman	✓				
Dave Weiler	✓				
Robin Weisz	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 3-14-01  
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2162

House Human Services Committee

☐ Subcommittee on \_\_\_\_\_

or

☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS as amended

Motion Made By Rep. Cleary Seconded By Rep. Metcalf

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman	✓		Audrey Cleary	✓	
William Devlin - V. Chairman		✓	Ralph Metcalf	✓	
Mark Dosch	✓		Carol Niemeier	✓	
Pat Galvin	✓		Sally Sandvig	✓	
Frank Klein	✓				
Chet Pollert		✓			
Todd Porter					
Wayne Tieman	✓				
Dave Weiler		✓			
Robin Weisz		✓			

Total (Yes) 9 No 4

Absent 1

Floor Assignment Rep. Metcalf

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
**March 16, 2001 1:30 p.m.**

**Module No: HR-46-5870**  
**Carrier: Metcalf**  
**Insert LC: 18267.0201 Title: .0300**

**REPORT OF STANDING COMMITTEE**

**SB 2162, as engrossed and amended: Human Services Committee (Rep. Price, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2162, as amended, was placed on the Sixth order on the calendar.**

Page 5, line 9, after the underscored comma insert "which are not reversed on appeal."

Renumber accordingly

Date: 3-26-01  
Roll Call Vote #: /

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2162

House Human Services Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Move to reconsider amendments

Motion Made By Rep. Weisz Seconded By Rep. Weiler

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman	✓		Audrey Cleary	✓	
William Devlin - V. Chairman	✓		Ralph Metcalf	✓	
Mark Dosch	✓		Carol Niemeier	✓	
Pat Galvin			Sally Sandvig	✓	
Frank Klein	✓				
Chet Pollert	✓				
Todd Porter					
Wayne Tieman	✓				
Dave Weiler	✓				
Robin Weisz	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

18267.0202  
Title.0400

Adopted by the Human Services Committee  
March 26, 2001

VR  
3/26/01

**HOUSE AMENDMENTS TO SB 2162**

**HOUSE HS**

**3-26-01**

In addition to the amendments adopted by the House as printed on page 961 of the House Journal, Senate Bill No. 2162 is further amended as follows:

Page 1, line 2, remove "and 43-42-07"

Page 1, line 3, remove "; and to provide a penalty"

**HOUSE AMENDMENTS TO SB 2162**

**HOUSE HS**

**3-26-01**

Page 7, remove lines 10 through 17

Renumber accordingly

Date: 3-26-01  
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2162

House Human Services Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Move amendments to delete lines 10-17

Motion Made By Rep Weisz Seconded By Rep Tieman

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman	✓		Audrey Cleary	✓	
William Devlin - V. Chairman	✓		Ralph Metcalf	✓	
Mark Dosch	✓		Carol Niemeier	✓	
Pat Galvin			Sally Sandvig	✓	
Frank Klein	✓				
Chet Pollert	✓				
Todd Porter					
Wayne Tieman	✓				
Dave Weiler	✓				
Robin Weisz	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:



Date: 3-26-01  
Roll Call Vote #: 3

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2162

House Human Services Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS as amended

Motion Made By Rep. Metcalf Seconded  
By Rep. Weisz

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman	✓		Audrey Cleary	✓	
William Devlin - V. Chairman	✓		Ralph Metcalf	✓	
Mark Dosch	✓		Carol Niemeier	✓	
Pat Galvin			Sally Sandvig	✓	
Frank Klein	✓				
Chet Pollert	✓				
Todd Porter					
Wayne Tieman	✓				
Dave Weiler	✓				
Robin Weisz	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Metcalf

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2162, as engrossed and amended: Human Services Committee (Rep. Price, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2162, as amended, was placed on the Sixth order on the calendar.**

In addition to the amendments adopted by the House as printed on page 961 of the House Journal, Senate Bill No. 2162 is further amended as follows:

Page 1, line 2, remove "and 43-42-07"

Page 1, line 3, remove "; and to provide a penalty"

Page 7, remove lines 10 through 17

Renumber accordingly

2001 TESTIMONY

SB 2162

**NORTH DAKOTA SOCIETY  
for RESPIRATORY CARE**



*"A BREATH OF FRESH CARE"*

January 16, 2001

**Testimony of:**

Glenn Thom, BS, RRT, President, North Dakota Society for Respiratory Care (NDSRC).

**Regarding:**

Senate Bill No. 2162

I am President of the North Dakota Society for Respiratory Care. This group is the professional counterpart to the respiratory care licensing board. I worked closely with the licensing board on the changes in this amendment. The changes presented in this bill are designed to improve clarity and outdated language. There are no changes in the respiratory care scope of practice in this amendment.

**Synopsis of changes:**

- "...care practitioner" has been replaced with "therapist" to conform to nationally-recognized certification nomenclature.
- Page 2, lines 17 - 18: This language assures that only therapists who are graduates of respiratory care training programs will administer respiratory health care to North Dakota patients (this does not preclude other sufficiently qualified and licensed professionals from giving the same care).
- Page 2, lines 28 - 30: Composition of the licensing board allows for the respiratory therapists to be either certified or registered vs. specific numbers of each. This allows flexibility in assuring appropriate, state-wide representation on the board.
- Page 3, lines 12 - 13: This has been deleted as ineffective wording. The NDSRC provides the selection list to the Governor for any position vacancies (except the physician position).
- Page 3, lines 22 and 29: Specific licensing fee dollar amounts have been deleted in favor of inclusion in the board's administrative rules.

The balance of changes are technical and are as advised by the licensing board's legal counsel.

The NDSRC represents three-quarters of practicing licensed respiratory therapists in the state of North Dakota. The Board of Directors for NDSRC urges favorable recommendation of Senate Bill No. 2162 by this Committee. THANK YOU FOR YOUR TIME AND CONSIDERATION.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2162

Page 3, line 22, remove the overstrike over "~~not in excess of~~", after "~~fifty~~" insert "one hundred", and remove the overstrike over "dollars"

Page 3, line 29, remove the overstrike over "~~not in excess of~~", after "~~thirty-five~~" insert "seventy", and remove the overstrike over "dollars"

Page 4, line 6, remove the overstrike over "~~not in excess of~~", after "~~thirty-five~~" insert "seventy", and remove the overstrike over "dollars"

Page 4, line 8, after "fee" insert "not in excess of twenty-five  
dollars"

Renumber accordingly

# State Respiratory Care Licensing Fees

STATE	CRT	RRT	# THERAPISTS	ANNUAL LICENSING REVENUE
AL	NO ACT			
AK	NO ACT			
CO	NO ACT			
WY	NO ACT			
CA	?	?	20700	
MD	\$68	\$68	?	
DC	\$68	\$68	?	
VT	NO ACT			
HI	NO ACT			
NV	NO ACT			
NC	NO ACT			
MI	NO ACT			
SD	\$20	\$20	318	\$6,360
DE	\$25	\$25	300	\$7,500
MT	\$20	\$20	480	\$9,600
UT	\$15	\$15	770	\$11,550
OK	\$38	\$38	1426	\$15,250
ND	\$35	\$50	350	\$17,500
RI	\$40	\$40	540	\$21,600
ID	\$40	\$40	550	\$22,000
NE	\$26	\$26	937	\$24,362
NH	\$50	\$50	500	\$25,000
AR	\$25	\$25	1258	\$31,450
IN	\$10	\$10	3201	\$32,010
NM	\$53	\$53	616	\$32,648
IA	\$25	\$25	1512	\$37,800
WI	\$21	\$21	2508	\$52,668
KS	\$40	\$40	1462	\$58,480
WA	\$30	\$30	2015	\$60,450
CT	\$50	\$50	1284	\$64,200
KY	\$25	\$25	2701	\$67,525
VA	\$40	\$40	1707	\$68,280
SC	\$40	\$40	1805	\$72,200
ME	\$68	\$68	555	\$73,116
MO	\$50	\$50	1553	\$77,650
MA	\$19	\$19	4313	\$81,947
MS	\$50	\$50	1778	\$88,900
LA	\$17	\$25	3684	\$92,100
GA	\$25	\$25	4000	\$100,000
WV	\$42	\$42	2508	\$105,336
OR	\$100	\$100	1089	\$108,900
MN	\$90	\$90	1271	\$114,390
IN	\$35	\$35	3489	\$122,115
AZ	\$43	\$43	4100	\$176,300
OH	\$35	\$35	5729	\$200,515
IL	\$60	\$60	3430	\$205,800
PA	\$40	\$40	5729	\$229,160
NJ	\$90	\$90	2763	\$248,670
NY	\$30	\$52	5976	\$310,752
FL	\$38	\$38	8596	\$326,648
TX	\$45	\$45	9565	\$430,425

**NORTH DAKOTA SOCIETY  
for RESPIRATORY CARE**



***"A BREATH OF FRESH CARE"***

March 5, 2001

**Testimony of:**

Glenn Thom, BS, MMgt, RRT, President North Dakota society for Respiratory Care, (NDSRC).

**Regarding:**

Senate Bill No. 2162, Engrossed.

As president of the NDSRC, I represent the professional counterpart to the respiratory care licensing board. I worked closely with the licensing board on the changes in this amendment. The changes presented in this bill are designed to improve clarity and outdated language. There are no changes in this amendment for the scope of practice in respiratory care.

**Synopsis of changes:**

- Throughout the practice act, "...care practitioner" has been replaced with "therapist" to conform to nationally-recognized certification nomenclature.
- Page 2, lines 14 and 15 - "respiratory therapist" includes both certified and registered respiratory therapists for the purpose of licensure.
- Page 2, lines 17 and 18 - This language assures that only therapists who are graduates of respiratory care training programs will administer respiratory health care to patients (this does not preclude other sufficiently qualified and licensed professionals from giving the same care).
- Page 3, lines 12 and 13 - This wording has been deleted. Is it unnecessary, since the NDSRC provides the licensure board selection list to the Governor for any position vacancies (except the physician position).
- Page 3, lines 22 and 29 - Specific licensing fee dollar amounts have been deleted in favor of inclusion in the board's administrative rules. This is consistent with the majority of other North Dakota licensure statute.
- Page 5, lines 7 through 11 - Provision is made here for the board to recover expenses incurred in disciplinary actions.
- Page 6, lines 15 and 16 - Response is made here to the changes made in national credentialing procedures. Specific testing dates are no longer utilized since testing has been computerized.

The balance of changes are technical and are as per the licensing board's legal counsel.

The NDSRC represents practicing licensed respiratory therapists in the state of North Dakota. The Board of Directors of the NDSRC urges favorable consideration of SB 2162 by this Committee. THANK YOU FOR YOUR TIME AND CONSIDERATION.